

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

MOLINA HEALTHCARE, INC., a  
California corporation; and  
VINOD MOHAN, an individual,

Plaintiffs,

v.

ELEVANCE HEALTH, INC., an  
Indiana corporation,

Defendant.

Case No. 2:23-cv-07417-AB-JC

**ORDER DENYING EMERGENCY  
MOTION FOR STAY [Dkt. No. 13],  
GRANTING APPLICATION FOR  
TEMPORARY RESTRAINING  
ORDER [Dkt. No. 5], and ENTERING  
TEMPORARY RESTRAINING  
ORDER AND ORDER TO SHOW  
CAUSE RE PRELIMINARY  
INJUNCTION**

Before the Court is an Application for Temporary Restraining Order (“TRO,” Dkt. No. 5), filed by Plaintiffs MOLINA HEALTHCARE, INC., and VINOD MOHAN (“Plaintiffs”) on September 7, 2023. Defendant ELEVANCE HEALTH, INC. (“Defendant”) did not file a substantive opposition to the TRO, and instead filed an Emergency Motion to Stay All Proceedings (“Motion to Stay,” Dkt. No. 13). The Motion to Stay is **DENIED** as procedurally improper for the reasons stated in Plaintiffs’ Opposition (Dkt. No. 16) thereto and in the Court’s Notice of Deficiency (Dkt. No. 21). The Motion to Stay is also **DENIED** on its merits in light of Judge Dinsmore’s determination in the parallel Indiana Action *Elevance Health, Inc. v. Vinod Mohan*, Case No. 1:23-cv-01497-SEB-MJD, that the purported “agreement” on

1 which the Motion for Stay rests does not exist because there was no meeting of the  
2 minds. *See* Indiana Action Dkt. No. 33. In its Notice of Impending Status Conference  
3 (Dkt. No. 19) informing this Court of the September 14 hearing before Judge  
4 Dinsmore, Defendant stated that it opposed the Court granting the TRO for the  
5 reasons stated in the Motion for Stay. But the Motion for Stay is denied, and  
6 Defendant filed no substantive opposition to the TRO. Accordingly, the TRO is  
7 unopposed. The Court also finds that the TRO is facially meritorious. Accordingly,  
8 the TRO is **GRANTED** as unopposed and on the merits.

9  
10 **TO DEFENDANT ELEVANCE HEALTH, INC. AND ITS COUNSEL OF**  
11 **RECORD:**

12 YOU ARE HEREBY ORDERED TO SHOW CAUSE at **10:00 a.m., on**  
13 **Tuesday September 26, 2023**, in the courtroom of the Honorable André Birotte Jr.,  
14 Courtroom 7B, located at 350 W. 1st Street, Suite 4311, Los Angeles, CA 90012, why  
15 you, your officers, agents, servants, employees and attorneys and all those in active  
16 concert or participation with you or them should not be restrained and enjoined  
17 pending trial of this action from: Enforcing or seeking to enforce any and all Indiana  
18 forum selection and choice-of-law provisions, non-competition provisions, and  
19 customer non-solicitation provisions (which are *de facto* non-competition provisions)  
20 contained in Ms. Mohan's employment agreements ("Agreements," as that term is  
21 defined in the Complaint) with Elevance Health, Inc.

22  
23 PENDING HEARING on the above Order to Show Cause, you, your officers,  
24 agents, servants, employees and attorneys and all those in active concert or  
25 participation with you or them ARE HEREBY RESTRAINED AND ENJOINED  
26 from:

27 1. Enforcing or seeking to enforce any and all Indiana forum selection  
28 provisions contained in Ms. Mohan's Agreements with Elevance Health, Inc.

2.

2. Enforcing or seeking to enforce any and all Indiana choice-of-law provisions in Ms. Mohan's Agreements with Elevance Health, Inc.

3. Enforcing or seeking to enforce any and all non-competition provisions in Ms. Mohan's Agreements with Elevance Health, Inc.

4. Enforcing or seeking to enforce any and all customer non-solicitation provisions contained in Ms. Mohan's Agreements with Elevance Health, Inc.

The above Temporary Restraining Order is effective immediately.

This Order to Show Cause and supporting papers must be served on Defendant **immediately but no later than September 16, 2023**, and proof of service must be filed by September 18, 2023.

Any response or opposition to this Order to Show Cause must be filed and personally served on Plaintiffs' counsel **by 5:00 p.m. PST on Wednesday September 20, 2023**, and proof of service must be filed by September 21, 2023.

Any reply to any response/opposition must be filed **by 5:00 p.m. PST on Friday September 22, 2023**, and proof of service must be filed by September 25, 2023.

**IT IS SO ORDERED.**

Dated: September 15, 2023



HONORABLE ANDRÉ BIROTTE JR.  
UNITED STATES DISTRICT COURT JUDGE